

**United States Bankruptcy Court
Eastern District of Michigan
Southern Division at Detroit**

In Re: **Librado Luis Herrera,**

Debtor

Case No. 21-43967-LSG

Chapter 7

Honorable **Lisa S. Gretchko**

MOTION TO CONVERT CHAPTER 7 CASE TO A CASE UNDER CHAPTER 13
PURSUANT TO 11 U.S.C. §706(a)

Pursuant to 11 U.S.C. §706(a), the above captioned Debtor by and through Debtor's undersigned Attorneys, hereby moves this Court for entry of an Order Converting this Chapter 7 case to a case under Chapter 13. In support of this Application, Debtor represents, by and through Debtor's undersigned Attorneys:

1. Pursuant to 11 U.S.C. §706(a) Debtor has the right to convert this Chapter 7 case to a case under Chapter 13, and that according the plain and unambiguous language of said Bankruptcy Code §706(a), Debtor's right to convert this case to a case under Chapter 13 may not be waived.

2. Debtor further represents, pursuant to the requirements for conversion of this case to Chapter 13 under 11 U.S.C. §§706(a) and 706(d), that Debtor is qualified and may be Debtor under Chapter 13, and that this case is an original Chapter 7 case filed on May 5, 2021, and this case has never previously been converted to Chapter 7 from any other Chapter of the Bankruptcy Code.

3. Before Debtor filed his above captioned Chapter 7 case he received advice from his prior attorney herein, that the valuation of his home for purposes of this Chapter 7 case would be based on a calculation that was twice the tax value or SEV, regardless of and not the actual market value of his home. Such valuation was less than an amount that would prevent him from exempting all the equity in his home pursuant to 11. U.S.C. §522(d)(1).

4. Debtor's prior attorney herein advised Debtor that he did not qualify for filing a case under Chapter 13.

4. Debtor relied on the above advice in electing to file this Chapter 7 case.

5. Debtor has now learned that the advice he received was incorrect, and that as a result her home may or will be subject to liquidation in this Chapter 7 case, leaving him homeless.

6. Debtor desires to convert his case to a case under Chapter 13 primarily to protect the equity in his home, as well as or alternatively several other assets if Debtor elects to amend her claims of exemptions as permitted under the applicable Michigan Bankruptcy exemption statute.

7. Based on the foregoing this Motion is filed by the Debtor in good faith.

8. A proposed Order in conformity with the conversion from Chapter 7 to Chapter 13 requested by this Application is submitted herewith as “Exhibit 1.”

dated: July 28, 2021

/s/ Samuel G. Firebaugh

**Samuel G. Firebaugh (P-34276)
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**United States Bankruptcy Court
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In Re: **Librado Luis Herrera,**

Debtor.

Case No. 21-43967-LSG
Chapter 7
Honorable **Lisa S. Gretchko**

ORDER CONVERTING DEBTOR'S CHAPTER 7 CASE TO A CASE UNDER CHAPTER 13

Debtor having filed this Chapter 7 Bankruptcy case on May 5, 2021, and it appearing to the Court that good cause exists for the relief requested by Debtor and that the Debtor is entitled to convert this Chapter 7 case to a case under Chapter 13, and the Court being otherwise advised, **NOW THEREFORE,**

IT IS HEREBY ORDERED that Debtor's Chapter 7 Case is converted to a case under Chapter 13.

“Exhibit 1”

**UNITED STATES BANKRUPTCY COURT
Eastern District of Michigan**

In Re: **Librado Luis Herrera**
and:

Debtor(s).

Case No. 21-43967-LSG
Chapter 7
Honorable **Lisa S. Gretchko**

**NOTICE OF MOTION TO CONVERT CASE TO A CASE UNDER CHAPTER 13
PURSUANT TO 11 U.S.C. §706(a)**

Debtor has filed papers with the Court requesting that an Order be entered converting Debtor's Chapter 7 case to a case under Chapter 13.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Motion to Convert to a Case Under Chapter 13 Pursuant to 11 U.S.C. §706(a), or if you want the court to consider your views on the Motion, within twenty-one (21) days, you or your attorney must:

1. File with the Court a written response or answer, explaining your position at: *

United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, Michigan 48226

If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also mail a copy to: Firebaugh & Andrews, P.L.L.C.
38545 Ford Road, Suite 104
Westland, Michigan 48185

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: July 28, 2021

/s/ *Samuel G. Firebaugh*

Samuel G. Firebaugh (P-34276)
Firebaugh & Andrews, P.L.L.C.
Attorneys for Debtor(s)
38545 Ford Road, Suite 104
Westland, MI 48185
(734) 722-2999
firebaughandrews@comcast.net

* Response or answer must comply with F.R. Civ. P. 8(b), (c) and (e)

United States Bankruptcy Court
Eastern District of Michigan
Southern Division at Detroit

Case No. 21-43967-LSG

In Re: **Librado Luis Herrera,**

Chapter 7

and:

Debtor(s).

Honorable **Lisa S. Gretchko**

PROOF OF SERVICE

I certify under penalty of perjury that on July 28, 2021, I served copies of the following document(s) filed in the above captioned case:

1. **Motion to Convert Chapter 7 Case to a Case Under Chapter 13 Pursuant to 11 U.S.C. §706(a);**
2. **Notice of Motion to Convert Chapter 7 Case to a Case Under Chapter 13 Pursuant to 11 U.S.C. §706(a)**

upon all those parties specified on the matrix list attached hereto, at the addresses specified for said parties on such matrix list, either by first class mail with fully prepaid postage affixed or electronically through the ECF system.

Dated: July 28, 2021

/s/ Samuel G. Firebaugh

Samuel G. Firebaugh (P-34276)
Firebaugh & Andrews, P.L.L.C.
Attorney(s) for Debtor(s)
38545 Ford Road, Suite 104
Westland, MI 48185
(734) 722-2999

Label Matrix for local noticing
0645-2
Case 21-43967-lsg
Eastern District of Michigan
Detroit
Wed Jul 28 13:21:42 EDT 2021

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

Citibank North America
Citibank SD MC 425
5800 South Corp Place
Sioux Falls, SD 57108

Tracy M. Clark
25925 Telegraph Rd.
Suite 203
Southfield, MI 48033-2527

Samuel Firebaugh
38545 Ford Road
Suite 104
Westland, MI 48185-7901

Henry Ford Community College
5101 Evergreen Road
Dearborn, MI 48128-1495

Librado Luis Herrera
21700 Northline
Taylor, MI 48180-4712

LJ Ross & Associates
Attn: Bankruptcy
4 Universal Way, Po Box 6099
Jackson, MI 49204-6099

Nationwide Recovery Systems
501 Shelley Drive
Suite 300
Tyler, TX 75701-9553

RoundPoint Mortgage Servicing Corporatio
Attn: Bankruptcy
Po Box 19409
Charlotte, NC 28219-9409

Mark H. Shapiro
25925 Telegraph Rd.
Suite 203
Southfield, MI 48033-2527

Specialized Loan Servicing/SLS
Attn: Bankruptcy
Po Box 636005
Littleton, CO 80163-6005

(p)LOAN SERVICING
LOAN SUPPORT
PO BOX 5961
MADISON WI 53705-0961

Target
c/o Financial & Retail Services
Mailstop BT PO Box 9475
Minneapolis, MN 55440-9475

US Bank/RMS
Attn: Bankruptcy
Po Box 5229
Cincinnati, OH 45201-5229

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Chase Card Services
Attn: Bankruptcy
Po Box 15298
Wilmington, DE 19850

State Farm Financial S
Attn: Bankruptcy
1 State Farm Plaza
Bloomington, IL 61710

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Edward Harris
KVS, LLC d/b/a Re/Max First

End of Label Matrix
Mailable recipients 14
Bypassed recipients 1
Total 15